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BOARD OF REGISTRATION OF MASSAGE THERAPY
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Board of Registration of Massage Therapy
NOVEMBER 9, 2020 MEETING MINUTES

A posted public meeting of the Massachusetts Board of Registration in Massage Therapy (the Board) was held remotely via video and telephone conferencing pursuant to an Executive Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provision of the open meeting law.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/538378901>

Attending: Members: Paul Andrews Chair, Alexei Levine /Vice Chair, Ellen Walker/ Secretary, Kimberlee Schuler / Board Member, Sheri Miller-Bedeau / Board Member joined at 10:14AM
Members absent: None.
Staff: Danielle O'Neil, Executive Director and Sheila York, Board Counsel

MT Public Meeting
Monday, November 9, 2020 10:00AM-1:40PM

Meeting Called to Order – 10:00AM by Paul Andrews

Remote meeting procedures - Paul Andrews noted we have a quorum and all votes will be by roll call (last name, how you vote)

Board Meeting Business

- Introduction of Neil McGee –The new Supervisor of the Office of Investigations, Neil McGee, was introduced to the Board.
- Review and Approve Minutes for 10.5.2020 and 10.19.2020
 - Motion to accept 10.5.20 minutes with edit to Discussion section to clarify that Alexei Levine withdrew comments regarding new school regulation and table 10.19.2020 minutes; Ellen Walker motioned; Alexei Levine seconded
 - Paul Andrews held roll call vote
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Review Regulation and Proposed Changes. Board counsel reminded everyone that the changes discussed are only proposed changes which will not take effect until the full regulation promulgation process has been completed.



- 269 CMR 2
 - 269 CMR 3
 - Discussions and edits included Board consideration of experience in lieu of hours (110 hours), passing score (650), reciprocal license, add verbiage to C.O. roles
 - Proposed School Regulations Changes: Alexie Levine has withdrawn this request; no further discussion necessary.
 - 269 CMR 4 – Continuing Education
 - The Board discussed how many hours of continuing education to require per registration period, which is currently one year long. Members asked Board staff to discuss with Commissioner of DPL whether registration period could be changed to a two year period, which would help decrease cost to licensees. Other states and associations require 12 credits every two years. In the meantime, these proposed regulations need to be based on current annual registration period. Motion to accept 6 hours every year under proposed C.E. Requirements by Alexei Levine; Kimberlee Schuler seconded. Paul Andrews called for a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Mr. Andrews noted time constraints and stated that discussion of the remaining proposed regulations would continue at November 30th meeting.
- 269 CMR 5
 - 269 CMR 6
 - Interviewing Proposed Compliance Officers
 - Maintaining List of Employees

Correspondence

- Update on Sports Clips Massage and Cosmetology Services
 - Paul Andrews reminded the Board of conversations he had with the Cosmetology Board regarding Sports Clips request and what falls within the scope of incidental massage by aestheticians, manicurists and cosmetologists. Sheila York to review statute pertaining to incidental massage and how it is reflected in cosmetology curriculum.
 - Motion to empower Chair to write letter regarding school curriculum regulations to the Board of Cosmetology & Barbering; Paul Andrews motioned; Alexei Levine seconded
 - Paul Andrews took a vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Email dated 9.25.20 To MT board From The Massage School (Externship Option)
 - Alexei Levine noted that he had two topics to discuss. The first issue he was bringing to the Board was within his role as the school owner member of the Board as it impacts schools and students in general. The second issue is specific to his own private massage school and he will recuse himself from acting as a Board member on that second issue.
 - With regard to the first issue, Alexei Levine requested that the Board allow massage therapy students to complete their 100 required clinic hours remotely as

long as the COVID state of emergency exists in Massachusetts. He discussed the health concerns and fear that students had with providing massages to members of the public in school clinics during the pandemic. He also discussed concerns of faculty and the difficulty with getting a consistent base of customers into the clinic during COVID. He noted that the purpose of the 100 clinic hours was to give students opportunity to practice massage and that they could gain similar benefit by performing massages on family members, friends, and people with whom they feel safe within their COVID pods. Ms. Sheri Miller Bedeau noted that students pay tuition to schools and part of what they pay for is the clinic experience. Alexei Levine explained that this is an unprecedented pandemic and students have had to delay graduation to complete these clinic hours. At the Board's request, Greg Hurd discussed how the clinic at his school had been operating. He reported that they had to make changes due to the pandemic but that his clinic was going okay. Paul Andrews stated he understood the health concerns, but wanted to ensure qualifications for licensure were met. Paul Andrews would like to see feedback sessions between student and faculty supervisor regarding the clinical experience. Alexei Levine motioned to allow 99 hours of unsupervised remote clinic hours and one hour check-in with supervisor. Motion failed for lack of a second. After further discussion, the Board requested that Board Counsel and Alexei Levine draft a policy for board review which would allow a student to obtain 96 hours of clinic work remotely and four hours of supervisory sessions with supervisor. The student could obtain up to 24 hours of remote massages at a time with surveys completed by client, then a one hour check-in session with supervisor and then another 24 hours of remote massage practice until they completed the necessary 96 hours of massages and four hour long supervision sessions for a total of 100 hours. The Board agreed to meet again to review the draft policy on Friday, November 19th

- Motion by Paul Andrews to meet on 11/19/2020 at 4:00PM to review the proposal and vote; Sheila Miller-Bedeau seconded
 - Paul Andrews held a roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Alexei Levine recused himself from the Board to present his Massage School's Request for approval of an Externship program. Such programs are allowed under Board regulations after review and approval by the Board. Other schools have obtained approval. But the Massage School had never requested approval of such a program. Motion by Kimberlee Schuler to approve the Massage School's request for an Externship Program, seconded by Paul Andrews,
 - Paul Andrews held a roll call vote:
 - Members in favor: Paul Andrews, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Members recused: Alexei Levine,
 - Motion passed

Board Counsel Report

- Regulation Review: discussed previously in the meeting. No further report.

Discussion

- New School Regulation proposal (Alexei Levine): Withdrawn last month.

Application Review

- 2019-594-MT-MT-APP [HW] – Short 20 hours on clinical
 - Motion by Paul Andrews to invite HW to meeting; Sheila Miller-Bedeau seconded
 - Paul Andrews held roll call vote
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- 2020-111-MT-MT-APP [KL] – 28 hours short on clinical but licenses in CT and passed NCBTMB
 - Board discussed giving credit for passage of examination. Motion by Paul Andrews to let her application proceed; Kimberlee Schuler seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed

New Business/ Open session for topics *(not reasonably anticipated by chair 48 hours in advance of meeting)*

- No unanticipated topics discussed.

Executive Session – Application Review: At 12:44 PM, Motion by Paul Andrews to go into Executive Session pursuant to G. L. c. 30A, §21(a)(1) to discuss an applicant's character, and (7), to comply with the public record law pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶ 26(a) and to preserve the confidentiality protections of criminal record information. G. L. c. 6, § 172.; Mr. Andrews stated that the Executive Session would be followed by closed session matters and the public meeting session would not resume. Alexei Levine so moved; Kimberlee Schuler seconded

- Paul Andrews held roll call vote:
- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
- Members opposed: None; Motion passed

Report of Actions taken in Closed session:

Investigative And Settlement Conference [closed session pursuant to G.L. c. 112, §65C]

- 2019-000036-IT-ENF – Discussed settlement terms with board counsel.
- 2019-001496-IT-ENF – Dismissed, provided licensee now in compliance.
- Motion by Paul Andrews to dismiss fine if licensee is now in compliance; Alexei Levine seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler

- Members opposed: None; Members recused: Sheri Miller Bedeau; Motion passed

Adjudicatory Session [closed session pursuant to G.L. c. 30A, s. 18(d), para (5)]

- 2020-000915-IT-ENF
- 2020-000757-IT-ENF
- 2020-000845-IT-ENF
- 2020-000775-IT-ENF
- 2020-000777-IT-ENF
- 2020-000762-IT-ENF
- 2020-000766-IT-ENF
- 2020-000899-IT-ENF
- 2020-000888-IT-ENF
- Motion by Paul Andrews to issues the above-referenced default decisions and revoke licenses; so moved by Alexei Levine; Ellen Walker seconded
 - Paul Andrews held roll call vote
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- 2018-001081-IT-ENF [Eclipse] – Alexei Levine recused and left the virtual meeting.
 - Motion by Ellen Walker, seconded by Kimberlee Schuler, to issue default decision and impose \$1,000 civil fine for operating as an unlicensed establishment.
 - Members in Favor: Paul Andrews, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler
 - Members opposed: None, Recused: Alexei Levine, Motion passed.

Adjourn – At 1:40 pm PM Motioned by Alexei Levine; seconded by Kimberlee Schuler;

Paul Andrews took vote by roll call

Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller Bedeau, Kimberlee Schuler

Members opposed: None; Motion passed

Next meeting scheduled for November 19, 2020 at 9:00AM

Respectfully submitted,

Ellen Walker
Board Secretary

List of Documents Used in the Public Session

Agenda Nov. 9, 2020 meeting

Draft Minutes of 10.5.20 meeting

Draft regulations 269 CMR

Email dated 9.25.20 To MT board From The Massage School (Externship Option)

Board of Registration of Massage Therapy

Nov. 9, 2020 Public Meeting Minutes

